

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Chapter VIII, Rule 32(2) (b)
Description of case

Writ Petition No. 782 of 2001(M/B)

Date of decision: 20th November, 2004

For the approval of:

Hon'ble Chief Justice V.S. Sirpurkar.

Hon'ble Mr. Justice Irshad Hussain.

- Whether the order/judgment should be sent to the reporters for reporting? (Yes)
- Whether the reporters be allowed to see the judgment? (Yes)

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IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 782 of 2001 (M/B)

Jogendra Singh S/o Late Surain Singh,

R/o Tapera Nanakmatta,

P.S. Nanakmatta, Tehsil Sitargang,

District Udham Singh Nagar & others.

Petitioners.

Vs.

Zila Panchayat, Udham Singh Nagar,

Through its Adhyaksha/ Chairman

& another.

Respondents

Mr. K.S. Bora, learned counsel on behalf of the petitioners.

Mr. J.P. Joshi, learned Standing Counsel for the State.

**Coram: Hon. V.S. Sirpurkar, C.J.
 Hon. Rajesh Tandon, J.**

(Per Hon'ble the Chief Justice)

1. Rule. Heard Mr. K.S. Bora, learned counsel for the petitioners and Mr. J.P. Joshi, learned standing counsel for the respondents. No counter affidavit has been filed in spite of several opportunities.

2. The petitioners claim to be the lessee. They claim that they have been paying rents from time to time. They further point out that certainly the respondents stopped taking the rent and they have been served with a notice dated 2.08.2001, wherein it is alleged that the petitioners' possession over the afore-mentioned plot measuring 17' x 27' is that of an encroacher. The notice, further, goes on to say that if the petitioners do not remove from the possession, then, a regular inquiry will be done against them, for the costs and the consequences of which, they alone will be responsible.

3. We do not find any reason as to why we should interfere at this juncture. We only say that the petitioners shall not be removed from the land except in accordance with law. The petitioners have no objection to this. Therefore, the petition can be disposed of with this direction that the petitioners could be removed only on accordance with law. When such proceedings are taken, it will be up to the

petitioners to contend all their factual assertions before the said authority.

4. With this direction, the writ petition is disposed of.

(Rajesh Tandon, J.)	(V.S. Sirpurkar, C.J.)
20.11.2004	20.11.2004

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